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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Andrew Bradbury et al. Docket No.: DSP/HB/07.01/US
Serial No.: 09/856,907 Examiner: Jeffrey S. Lundgren
Filed : 05/29/2001 Art Unit: 1639
For : METHODS FOR THE PREPARATION OF NUCLEIC ACID
LIBRARIES AND USED THEREOF

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR §1.181 AND §1.8(b)**

Sir:

This is a petition to withdraw the holding of abandonment communicated by the Office in the Notice of Abandonment dated June 27, 2008 (copy attached).

Pursuant to the provisions of 37 CFR 1.8(b), the undersigned attorney for applicants hereby informs the Office of a previously transmitted correspondence that was not received, or was otherwise not recorded as received, by the Office. The pertinent facts and evidence are as follows:

1. On April 11, 2008, the undersigned attorney filed a 19 page correspondence by facsimile transmission to the Office, which included a Transmittal Letter, Request for Continuing Examination, Submissions under Rule 114/Reply to the Office Action dated 12/12/2007, Petition for a 1 month extension of time, and payment of the extension fee via PTO-2038.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

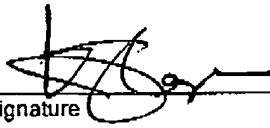
I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☐ deposited with the United States Postal Service on the date shown below with sufficient postage Trademark Office as first class mail in an envelope addressed to the: Mail Stop RCE, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

FACSIMILE

☒ transmitted by facsimile to the United States Patent and


SignatureDate 08.08.08

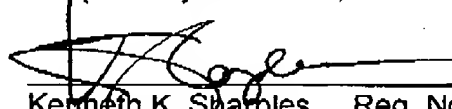
Kenneth K. Sharples

2. A duplicate copy of the correspondence is attached hereto, along with the undersigned attorney's "TRANSMISSION VERIFICATION REPORT" which shows transmission of 19 pages to the Office at 4:56PM MDT on April 11, 2008. Page 1 of the correspondence includes a Certificate of Mailing/Transmission under 37 CFR 1.8(a), which the undersigned attorney signed prior to transmitting the correspondence to the Office.
3. An "Auto-Reply Facsimile Transmission" from the USPTO was received by the undersigned attorney's office at 4:59PM on April 11, 2008. A copy of the Auto-Reply is attached hereto, and shows receipt of the 19 page correspondence by the Office at 7:51 PM EDT.
4. On July 1, 2008, the undersigned attorney's office received the aforementioned Notice of Abandonment. On July 9, 2008, the undersigned attorney had a telephone conference with Examiner Lundgren concerning the apparent lack of receipt or loss of the correspondence by the Office, during which the undersigned attorney stated that he had personally filed said correspondence. Immediately following that telephone conversation, the undersigned attorney transmitted by facsimile to Examiner Lundgren the entire 19 page, previously-filed correspondence along with the attorney's TRANSMISSION VERIFICATION REPORT and the Office's Auto-Reply Facsimile Transmission.

Therefore, on behalf of applicants, the undersigned attorney kindly requests that the said correspondence be considered timely-filed, and that the holding of abandonment be withdrawn.

Respectfully submitted,

Date: 08.08.08



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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,907	05/29/2001	Andrew Raymon Morton Bradbury	DSP/HB/07.01US	6402

7590 06/27/2008
THE LAW OFFICE OF KENNETH K. SHARPLES
Sena Plaza Building
Suite 54
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EXAMINER

LUNDGREN, JEFFREY S

ART UNIT PAPER NUMBER

1639

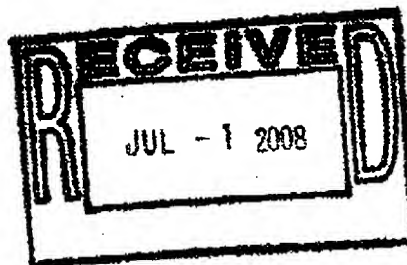
MAIL DATE DELIVERY MODE

06/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Notice of Abandonment	Application No.		Applicant(s)	
	09/856,907		BRADBURY ET AL.	
	Examiner		Art Unit	
	JEFFREY S. LUNDGREN		1639	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 12 December 2007.
 - ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - ☒ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - ☐ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☒ The reason(s) below:

A voice mail message was left with Applicants representative, Mr. Sharpels, on June 17, 2008, inquiring about a reply to the outstanding office Action. No return message or phone call has been received regarding whether or not Applicants filed a reply.

/JEFFREY S. LUNDGREN/
 Examiner, Art Unit 1639

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.